

C. IN THE DRAWINGS

Please replace the drawing sheet containing Fig.1, with the attached Replacement Sheet.

II. Remarks

A. STATUS SUMMARY

Claims 1-4, 7, 8, 14-17, 21, 22, 26 and 28-32 are pending in the present application, all of which are rejected. Claims 1, 3, 14-16 and 21 have been amended, and claims 4, 7, 8, 17, 26, and 28-32 have been canceled without prejudice. New claims 33-43 have been added. Based on the following remarks, favorable reconsideration of the pending claims is respectfully requested.

B. DRAWINGS OBJECTIONS

The drawings are objected to because the drawings do not show a plurality of transmitters. Attached to this paper is a Replacement Sheet for Figure 1, in which a plurality of transmitters are now specifically shown.

C. CLAIM OBJECTIONS

Claims 1, 4, 17 and 21 are objected to due to informalities. As indicated above, claims 1 and 21 have been amended to address the objections. Claims 4 and 17 have been canceled.

D. CLAIM REJECTIONS

1. Claims 1-4, 7, 8, 14, 17, 21, 22, 26, 28 29 and 32

Claims 1-4, 7, 8, 14, 17, 21, 22, 26, 28 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (U.S. Patent 5,552,917) in view of Teich

et al. (U.S. Patent No. 4,850,040). Applicant respectfully traverses this rejection for the following reasons.

The Examiner states that “Darbee does not explicitly teach the remote control comprising a plurality of transmitters capable of simultaneously send[ing] the signals.” The Examiner cites to Teich et al. for its teaching of a plurality of transmitters. Applicant respectfully submits that Teich et al. fails to cure the deficiencies of Darbee et al. because the disclosure of Teich et al. is insufficient to support its combination with Darbee et al. in a rejection based on obviousness.

The Abstract of Teich et al. states that “[t]he console includes several simultaneously-operated infrared transmitters, the transmitters being aimed in different directions.” The foregoing statement is the full extent of any teaching in Teich et al. of a plurality of transmitters. Figure 2 of Teich et al. illustrates a circuit board (10) to which four LEDs are connected and oriented in different directions. Other than the ability of the LEDs to transmit IR beams to lamps and other devices present in the same room as the console, Teich et al. provides no teaching or suggestion as to how one of ordinary skill in the art might utilize the four LEDs in the context of the remote control recited in claim 1 of the present application. In fact, Teich et al., at col. 4, lines 46-48, states “[t]he circuitry for deriving the code which is transmitted is not shown in the drawing other than as being included on circuit board 10 in FIG. 2.” Teich et al. fails to teach, for example, a processor that is configured in the manner recited in claim 1 (e.g., accessing addresses and commands and encoding them into signals addressed so as to be readable by specific electronic devices of an home theatre system, sending the signals to the respective electronic devices, etc.). The teaching of Teich et al. is directed instead to the remote unit

shown in Figures 3-5 of Teich et al. This remote unit is provided as part of the device to be controlled, not as part of a universal remote control device, and functions to receive the light from the LEDs transmitted from the console of Teich et al.

Thus, considering claim 1 as a whole as must be done, Teich et al. does not reasonably enable one of ordinary skill in the art to modify Darbee et al. so as to arrive at the invention recited in claim 1. Accordingly, Teich et al. is not enabling as a prior art reference.

Moreover, Applicant notes that the primary reference Darbee et al. likewise teaches a plurality of LEDs, yet does not anticipate claim 1 so as to support a rejection under 35 USC § 102. Thus, apart from the simultaneous transmission of IR beams, the teaching of Teich et al. does not add anything further to the teaching of Darbee et al. as regards the invention recited in claim 1. Also, like Darbee et al., Teich et al. fails to enable the implementation of simultaneous transmission in the structure recited in claim 1.

Claims 2, 3 and 14 depend from claim 1 and thus are patentable at least for the same reasons as set forth above in conjunction with claim 1.

As to independent method claim 21 and its dependent claim 22, the Examiner contends that “since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.” Applicant respectfully disagrees. Claims 21 and 22 recite specific process steps that are not recited in claim 1. Hence, the scope of the invention recited in claims 21 and 22 is not commensurate with the scope of the invention recited in claim 1. Applicant submits that the combination of Darbee et al. and Teich et al. does not teach or suggest

the method recited in claims 21 and 22, or any structure implementing the method, and respectfully notes that the Examiner has not pointed to evidence to the contrary.

Claims 4, 7, 8, 17, 26, 28, 29 and 32 have been canceled.

In view of the foregoing, Applicant respectfully submits that independent claims 1 and 21, and all remaining claims depending therefrom, are patentable under 35 USC § 103(a) over Darbee et al. in view of Teich et al. Applicant therefore respectfully requests that this rejection be withdrawn.

2. Claims 15, 16, 30 and 31

Claims 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (U.S. Patent No. 5,552,917) in view of Teich et al. (U.S. Patent No. 4,850,040) and further in view of Griesau et al. (U.S. Patent No. 6,507,306). Applicant respectfully traverses this rejection. Claims 15 and 16 depend from claim 1 and therefore are patentable for at least the same reasons set forth above regarding claim 1. Claims 30 and 31 have been canceled. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

E. NEW CLAIMS

New claims 33-43 have been added and are supported by the application as originally filed. Accordingly, no new matter has been added.

New claims 35 and 36 depend from claim 1 and recite language from claims 21 and 22 as implemented by the processor recited in claim 1. Applicant therefore submits that claims 35 and 36 are patentable at least for the same reasons set forth above in conjunction with claims 21 and 22.

New claim 37 is an independent claim that is similar to independent claim 26 (now canceled) with language similar to claim 1. Applicant therefore submits that claim 37 is patentable at least for the same reasons set forth above in conjunction with claim 1.

All other new claims contain language from other dependent claims that are either currently pending or canceled. These new dependent claims are patentable at least for the same reasons set forth above in conjunction with claim 1.

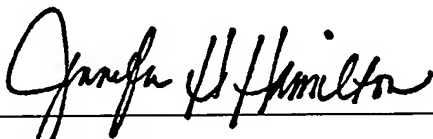
II. Conclusion

Applicant respectfully submits that in view of the above remarks, the pending claims are in condition for allowance, and an early notice to such effect is earnestly solicited. If any small matter should remain outstanding after the Examiner has had an opportunity to review the above Amendments and Remarks, then the Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

THE ECLIPSE GROUP LLP

Date: 10/14/08

A handwritten signature in cursive script, appearing to read "Jennifer Hamilton", is written over a horizontal line.

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